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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,747	10/22/2003	Han-Sub Park	1349.1304	4350
21171	7590	02/11/2008		
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER CLEARY, THOMAS J	
			ART UNIT	PAPER NUMBER
			2111	
			MAIL DATE	DELIVERY MODE
			02/11/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/689,747

Applicant(s)

PARK ET AL.

Examiner

Thomas J. Cleary

Art Unit

2111

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 January 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 1-7 and 9-13.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☒ Other: See Continuation Sheet.

MARK H. RINEHART
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Thomas J. Cleary
Patent Examiner
Art Unit 2111

Continuation of 3. NOTE: Applicant's amendment has changed the scope of the claims, and as such requires further search and consideration.

Continuation of 11. does NOT place the application in condition for allowance because: Applicant has argued that Le does not disclose using an input section of a personal hand held terminal system for receiving a system switchover command from a user to cause the USB host to selectively recognize the system as a USB mass storage device, and that Le discloses that it is an agent in the OS of the computer system which decides which drivers are used to control devices (See Pages 7-8). In response, the Examiner notes that Le discloses that the switching is performed based on which application is in the foreground of the display (See Column 31 Lines 5-24). Thus, as the user selects an application to be in the foreground of the display (analogous to the system switchover command), the agent selects the appropriate driver. Further, Le discloses that the user can request driver substitution (See Column 32 Lines 44-48). It is further unclear as to what Applicant means by the phrase "not that devices control driver selection" (See Page 7 Paragraph 3 Line 8, as Applicant has not claimed that the devices control driver selection. The Examiner further notes that Column 8 Line 29 - Column 9 Line 32, Column 30 Lines 65-67, Column 31 Line 35 - Column 32 Line 3, and Column 32 Lines 41-48 disclose the loading of a different driver than the driver currently loaded. Applicant has argued that Le is directed to user transparent driver substitution and not a user provided switchover command (See Page 8). In response, the Examiner notes that Le discloses dynamically substituting drivers so that the user does not have to manually connect and disconnect a device to change drivers (See Column 3 Lines 2-6). Le does not preclude a user from requesting a change of drivers, and in fact discloses that the drivers change can be requested by a user bringing a different application to the foreground of the display (See Column 31 Lines 5-24) and that the user can request driver substitution (See Column 32 Lines 44-48). Applicant has argued that Le and Sparks are not analogous art (See Page 8). In response, the Examiner notes that Sparks discloses that the enclosed computer may be a personal digital assistant (PDA). Le discloses a method for use in PDA's for switching device drivers. One of ordinary skill in the art would naturally look to various improvements, such as the device driver switching for PDA's, when constructing the PDA of Sparks. Applicant has argued that Le and Sparks do not disclose that it is the personal hand held terminal system controlling the selection (See Page 9). In response, the Examiner notes that Applicant's previous arguments (See Pages 7-9) have been that it is the user which controls the selection of the driver. It is unclear whether Applicant intends for the claimed invention to encompass the user controlling the selection of a driver, or the system controlling the selection of a driver. The Examiner further notes that the personal hand held terminal system controlling the selection is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant has argued that Claims 8 and 13 recite an input section receiving a data transmission specification request (See Page 9). In response, the Examiner notes that Claim 8 has been cancelled, and the limitations of Claim 8 have been incorporated into Claims 9 and 10. Claims 9, 10, and 13 recite an input section receiving a system switchover command from a user. It is unclear if Applicant intends for a system switchover command to be interpreted as equivalent to a data transmission/reception request. Applicant has argued that Claims 9, 10, and 12 depend from Claim 8 (See Page 9). However, the Examiner notes that Claim 8 has been cancelled, and the limitations of Claim 8 have been incorporated into Claims 9 and 10. Applicant has argued that Le does not disclose receiving a data sync transmission/reception request from a user (See Page 9). In response, the Examiner notes that the user can request driver substitution (See Column 32 Lines 44-48) such as requesting data sync transmission/reception by moving a synchronization application to the foreground of the display (See Column 31 Lines 5-24).

Continuation of 13. Other: See attached interview summary of interview conducted on 7 February 2008.